

# Office Action Summary

Application No.

867616

Applicant(s)

Thomas

Examiner

Smith, C. H.

Group Art Unit

2695

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-18, 20-48 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-5, 7-16, 18-22, 27-43, 46-48 is/are rejected.
- ☒ Claim(s) 6, 17, 23-26, 44, 45 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

The reason that this application is being withdrawn from issue is that the Preliminary Amendment of May 29, 2001, with new claims 20-48, had not been entered into the file and therefore had not been examined by the examiner.

The indicated allowability of claims 1-19 are withdrawn in view of the newly discovered reference(s) to Xiang et al or Williams et al or U.S Patent Application Publication # 2002/0171444 A1 to Acampora. Rejections based on the newly cited reference(s) follow.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-16, 18-22, 27-43, 46-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Xiang et al. or Williams et al or U.S. Patent Application Publication #2002/0181444 A1 to Acampora

Xiang et al discloses a call conferencing system, col. 5, lines 30-50, that combines two separate, different networks – the PSTN (24) and the and the PLMN, col. 4, lines 15-20. Although not specifically disclosed, Xiang's speech path's of the 2 different networks are on different channels, one channel being in the PSTN and the other channel being on the PLMN network. The channels using the PLMN are on radio frequency and the channels on the landline network use PSTN voice channels. For a

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conference call to work using 2 different networks, the Conference Call Device will route the calls from 1 of the networks onto the other network so that all of the calls are compatible with one another and a conference call can take place. If the CDD did not do this the conferees would be on different channels are not be able to converse with each other. In Williams et al, see col. 5, lines 5-9.

Acampora discloses, col. 4, paragraph [0038] a communication apparatus that comprises 1<sup>st</sup> and 2<sup>nd</sup> transceivers. A controller causes the communications to route the telecommunication traffic between the 1<sup>st</sup> and second transceiver.

Claims 6, 17, 23, and 44 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Grau et al & Chang et al.

Any inquiry concerning this communication should be directed to Creighton h Smith at telephone number 308-2488.

A handwritten signature in black ink, appearing to read "Creighton h Smith", with a stylized flourish at the end.

Creighton h Smith  
Primary Examiner  
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